CHAPTER 13

Remarks on Averroes' Decisive Treatise

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Averroes' work, generally known as the *Decisive Treatise*, forms, in effect, the central part of a trilogy consisting of a short "Speech" (the *Epistle* on the question of divine knowledge), a long "Speech" (the *Decisive Treatise*), and a considerably longer "Book" (the *Exposition*).[1] The second or long Speech deals with two things, the divine law and human wisdom. In particular, it deals with determining the connection between them. And it promises to be decisive. Having observed Averroes' preference for speaking about how a knot is tied in the *Epistle*, the reader may expect that the subject of the second Speech will be treated conclusively, for it seems to be concerned exclusively with giving an account of the knot with which the divine law is tied to human wisdom.[2]

I

Averroes begins the *Decisive Treatise* with a statement of his purpose and method. "Our purpose in this Speech is to investigate, by way of a legal inquiry, whether inquiry into philosophy and the logical sciences is permitted by the divine law, or prohibited, or commanded—either as a recommendation or as an obligation." (1.7–9).[3] At a point situated about two-thirds of the way between this opening statement and the final conclusion, he interrupts the Speech with a statement that has all the marks of a conclusion.

> This, then, is as much as we saw fit to set down regarding this kind of inquiry—I mean talking *between* the divine law and human wisdom—and the statutes concerning interpretation *in* the divine law. Were it not that the matter is generally known among men (and that these questions that we stated are generally known), we would not have permitted ourselves to write a single letter about it; nor would we have had to make any excuses for doing so to the men of interpretation, for these questions are such that they should be stated in demonstrative books. God is the Guide and Helper to the right courses. (18.14–19)

The opening and closing remarks in this statement indicate that the *Decisive Treatise*, like the *Epistle*, is divided into two parts. But while in the *Epistle* the two parts constitute a single whole and the first part is introduced as a necessary first step for the second, the division of the *Decisive Treatise* is meant to separate the two parts more formally and sharply.

It seems clear that the kind of inquiry employed in the first part of the *Decisive Treatise* is not a demonstrative inquiry of the kind employed in demonstrative books. It is not clear, however, that it is identical with the promised "legal inquiry"; rather, it appears that Averroes' position is not legal nor demonstrative, but situated somewhere in between. Moreover, the "statutes regarding interpretation *in* the divine law" do not appear to be exclusively legal statutes; they, too, seem to be talked about from a position that lies somewhere between the divine law and human wisdom.

The opening statement of the second part indicates that the subject matter of that part will be the *intention* (*maqsad*) of the divine law, which is to instruct all men in true knowledge and true action, as distinguished from the subject matter of the first part, which is concerned with *inferences* from the divine law. The two parts can therefore be said to correspond to the two main branches of the science of the divine law, which deal with inference (*istinbat*) from the divine law and the intention (*gharad*) of the divine law, respectively. In the first part, Averroes begins with the text of the divine law and infers from it the legal status of human wisdom. This leads to the necessity of interpreting the divine law, and thereafter he turns to a discussion of the legal statutes governing that interpretation. These statutes seem to decide in favor of an interpretation of the divine law that is based on human wisdom and against the interpretations of dialectical theologians, such as those of Algazel. It is not difficult to see, however, that both inference and interpretation presuppose the second branch of the science of

the divine law, which consists in knowledge of the intention of the divine law.

II

The arrangement of the *Decisive Treatise* is somewhat puzzling in that Averroes appears to reverse the normal order of the two parts of his legal inquiry, which should have begun with stating the intention of the divine law and then proceeded to infer from the text of the divine law the legal status of human wisdom and thereby determine the connection between human wisdom and the divine law. Instead, he first determines the connection between human wisdom and the divine law on the basis of inferences from the text of the divine law, then states the intention of the divine law, then restates the question of the connection between human wisdom and the divine law in the light of the intention of the divine law. Furthermore, unlike the *Epistle*, the *Decisive Treatise* seems to consist, not merely of two parts, but of two apparently separate discourses, each consisting of a statement of the problem and of its solution. In the first part the problem is seen from the point of view of the judge or jurist, while in the second part it is seen from the point of view of the divine law and lawgiver.[4] The jurist is faced with a particular, apparently subsidiary, question; he is able to solve it with little difficulty by appealing to the relevant texts of the divine law and to analogous cases. This solution is completed in the first third of the first part (6.14); and if this were the exclusive aim of Averroes, it would be hard to understand why he had to proceed beyond this point.

Remembering that the term "determination," used by Averroes in presenting his solution, was employed in the *Epistle* to present the doubt or the difficulty, we can formulate the difficulty raised by the solution as follows. If the divine law intended that its adherents pursue demonstrative science (if its intention, as Averroes says at the end of his solution, is the same as that which the Ancients meant to accomplish in their books), then why did the divine law not follow the method followed by the Ancients in their books and instruct its adherents in demonstrative science? This is the difficulty that Averroes proceeds to solve in the last two-thirds of the first part. But the solution of this difficulty, too, remains unsatisfactory. For, as he indicates at the end of the first part, he had been forced to "talk between the divine law and human wisdom" and to set

down in a legal speech or opinion what belongs properly to demonstrative books. Thus the entire first part remains problematical. It begins with a solution that poses an unstated difficulty, which in turn cannot be solved adequately in the context in which it is presented. While Averroes the judge can easily determine the legal difficulty at hand, his determination leads to difficulties that he cannot solve within a legal context. He must leave them with an indication of the context within which the solution can be found. The solution arrived at within that other context may be satisfactory to the "men [accomplished in the ways] of interpretation"; but it does not meet the needs of the majority of the adherents of the divine law. That is, the demonstrative solution does not make the legal solution superfluous; just as the legal solution does not make the demonstrative solution superfluous.

The second part proceeds in a more orderly manner. It is still concerned with the connection between the divine law and human wisdom. But the difficulty is now presented as one that has been foreseen and solved by the divine law itself, whose "primary intention" is "to care for the majority, though it does not neglect to call the attention of the elect" (19.20–21). The divine law solved the difficult task of instructing the majority in true knowledge and true action in a "miraculous" fashion:[5] it addressed them in the most convincing manner; the arguments it presents to them can be easily defended as far as the majority are concerned; and it called the attention of the elect to the true interpretation of what it says. The arguments of the dialectical theologians, on the other hand, lack these virtues. They show ignorance of the intention of the divine law and its characteristic traits. All the questions raised by the dialectical theologians will have to be restated on the basis of the intention of the divine law and the application of the methods so successfully employed by the divine lawgiver. This is what Averroes does in the *Exposition.*

The many difficulties encountered by Averroes in the attempt to determine the connection between the divine law and human wisdom are due to the effort to keep his promise to conduct the inquiry on the basis of the divine law rather than human wisdom. While the arrangement of the *Decisive Treatise* is more complex than that of the *Epistle*, it moves essentially in the same direction. It begins by formulating or determining the difficulties before proceeding to offer the solution; it lays more emphasis on the difficulties and treats them at greater length; and, like the *Epistle*, it indicates that there is not one, but two, main solutions: a solution that can be presented

fully in demonstrative books only, and another that can be presented in a book like the *Exposition*.[6]

Being a "Book," the *Exposition* is the most orderly part of the trilogy. This is due in part to the fact that the *Exposition* presupposes that the question of the relation between the divine law and human wisdom has been solved in the *Decisive Treatise* in general and in the first part of that Speech in particular.

> Now then, we have explained earlier, in a separate Speech, the identity (*mutabaqa*) of human wisdom and the divine law, and that the divine law commands it [that is, human wisdom]. We said there that the divine law is divided into two parts, the external sense (*zahir*) and the interpretation (*mu'awwal*). Its external sense is prescribed for the multitude and the interpretation is prescribed for the learned. As for the multitude, what is prescribed for them is that they accept it [that is, divine law] in its external sense and forsake its interpretation. And the learned are not permitted to communicate its interpretation to the multitude. (27.9–13)

All this was, in fact, explained in the first part of the *Decisive Treatise*, with the exception of the "identity" of human wisdom and the divine law: it was said, rather, that their intention (*maqsad*) is the same (5.12–13).[7] In the *Exposition*, Averroes interprets the identity of the intention of the divine law and of human wisdom to mean the identity of the divine law and human wisdom themselves, or he identifies the divine law and human wisdom with their intention. "Therefore," Averroes proceeds in the *Exposition*, "I have resolved to investigate in this Book the external sense of the dogmas that the divine law intended to impose on the multitude. In all this we shall seek the intention of the lawgiver" (27.15–16).

The "intention" of the law is not univocal. The external sense of the dogmas represent the intention of the divine law just as much as the interpretation. In the *Exposition*, the dogmas that the divine law intended to impose on the multitude[8] are taken to constitute the intention of the divine law without further qualification, while in the *Decisive Treatise* this is called the "primary" intention of the divine law (19.20). One could perhaps say that the primary intention of the divine law is identical with a secondary, if important, intention of human wisdom or philosophy, while the primary intention of human wisdom, which is demonstrative science, is a secondary, if important, intention of divine law.

III

The internal arrangement of the first part of the *Decisive Treatise* reflects these difficulties. While it is easy to point out where "interpretation" (7.15ff.) and the three "questions" (9.18) are introduced, these places are not marked by the obvious stylistic device used by Averroes to divide and arrange this part—that is, the expressions used in connection with the term *determination*. (In the *Epistle*, Averroes used this term to divide his speech into two parts and to introduce and mark the conclusion of the first part of that speech. In the *Decisive Treatise* he incorporates the term in the second part of the title. He then reestablishes a parallelism in the structure of the *Epistle* and the *Decisive Treatise* by abstaining from using the term anywhere in the second part of the *Decisive Treatise*.) In the first part of the *Decisive Treatise* these expressions are used to underscore a determination that has been made and that can serve as the basis of a subsequent determination: "and [so] if it [this, *or* all this] is determined . . . , then. . . ." Such phrases occur four times (2.8, 3.12, 6.14, 15.21) and divide the first part of the *Decisive Treatise* into five sections.[9]

The arrangement of these five sections reveals the limits of Averroes' effort to determine the connection between the divine law and human wisdom on legal grounds.[10] In the first two sections, which treat practical questions—that is, whether one should engage in the activity of inquiring into the beings and whether one should acquire the instruments necessary for this activity—legal determination is possible. In the third section, where "this kind of inquiry" (4.7) ends and the investigation of the beings begins, only the practical virtues required of the investigator appear to admit of legal determination; the theoretical activity itself, and the conclusions to which it leads are judged or determined, but not on the basis of the divine law alone. When in the fourth section the question of possible disagreements between the divine law and human wisdom regarding theoretical matters is posed, Averroes resorts to the interpretation of the divine law to remove these disagreements. The only serious legal source that could set limits to the interpretation of the divine law is consensus (*ijma'*); but Averroes shows that, unlike in practical matters, it is practically impossible to arrive at valid consensus on theoretical matters. Thus there is no compelling legal ground for adopting an interpretation of the divine law that disagrees with the conclusions of the art of demonstration. If the matter stated in the divine law admits of a definitive theoretical demonstration, there is

little or no choice regarding the way in which the divine law is to be interpreted. However, if the theoretical status of the matter is not settled and one must nevertheless determine the connection between the position of the divine law and the position of human wisdom, then the most reasonable course is to determine the matter on the basis of arguments that are legally permitted and theoretically possible. Averroes follows this course in the first two of the three questions introduced in the fourth section—that is, God's knowledge of particulars and the creation of the world—but he fails to cope with the third question—the question of afterlife—which is therefore postponed to the fifth section.

The difficulty involved in this procedure emerges in the fourth section as follows. The negative determination regarding consensus appears to open the way to the possibility of unlimited and uncontrolled interpretation of the divine law in theoretical matters. Yet Averroes persists in recognizing a kind of limit to interpretation—that it must not lead to unbelief (*kufr*), that is, to the denial or what amounts to the denial of the truth of the divine law. To be interpreted, the divine law must first exist. To exist, its roots must be solidly embedded in the mind of the believer. These roots are three: the existence of God, the existence of prophecies, and the existence of the afterlife. The existence of God and the existence of prophecies do not pose serious problems for the determination of the connection between the divine law and human wisdom, at least not so far as the "wise" Peripatetics (cf. 131.11–13) are concerned. The third root, however, does pose a problem.

Provisionally, this problem can be solved as follows. The three roots of the divine law cannot be determined on the basis of the divine law, for they are the basis of and presupposed by all legal determinations: they must be "professed" or "admitted" before any determination can be made. Yet the question of afterlife illustrates in a radical way the difficulty of the broader question of determining the connection between the divine law and human wisdom. This determination must ultimately face the issue that the divine law and human wisdom are two different things. (The divine law may have its wisdom and human wisdom may have its law; but the wisdom of the divine law is not simply identical with human wisdom, nor is the law prescribed by human wisdom simply identical with the divine law.) By "talking between the divine law and wisdom," Averroes is able to allow the divine law and human wisdom to remain in their respective positions. A third position is established somewhere between the two. The 'talk' is not based on the divine

law exclusively or on human wisdom exclusively; it results from looking at human wisdom from the point of view of the divine law and looking at the divine law from the point of view of human wisdom.

Averroes enables us to determine more closely the character of the first part of the *Decisive Treatise* through a less obvious stylistic device. The typical argument in this part takes the form: "if A and B then C" or "if A then B," followed by consequences drawn from the conclusion (beginning with such expressions as 'and it is evident' and so forth). The Arabic particles rendered 'if' (*in, idha*) may in most cases be rendered 'since' also. This means that the arguments can be assumed to be either hypothetical or categorical in character. One's first impression is that Averroes meant them to be categorical. But then one begins to wonder why he did not remove the 'if' from the propositions that form the premises of his arguments before proceeding to infer his conclusions and use these conclusions as premises from which to infer other conclusions. Averroes attracts the reader's attention to this problem in the very first argument. The argument may be reduced to the following hypothetical syllogism: if philosophy is X, and if the divine law commands X, then the divine law commands philosophy.He offers to show that the divine law does command X (what he shows in fact is that one can infer from the divine law that it commands X), but he is silent about the proposition that philosophy is X. Thus the conclusion of this argument remains hypothetical. Since all the arguments that follow are in turn based on this conclusion, every one of them remains hypothetical too. Accordingly, it would be safer to understand the propositions from which these arguments are constructed as conditional sentences. Taking these conditional sentences as our guide, we find that they divide the text of the first part into seventeen subsections, which form the substructure, as it were, of the five sections discussed earlier.[11] The first is the hypothetical argument stating what philosophy should be and what the divine law must command if one were to conclude that the divine law commands philosophy. It is preceded by the expression "we say," which occurs here for the first time. The last or seventeenth subsection finally answers the question of afterlife (which was first raised in subsection 14). It begins with the hypothetical question: "If it is said: If it became evident that the divine law in this respect is on three levels [dialectical, rhetorical, and demonstrative], to which of these levels, according to you, belongs what came down [revealed in the divine law] concerning the attributes and states of afterlife?" The question

is followed by the expression "we say," which occurs for the last time in this part. The question of "speeches" or "arguments" (*aqawil*), of how many kinds they are, and why they must be different in kind, is discussed in subsection 9.[12]

Before turning to that subsection, however, it would be helpful to reflect briefly on what Averroes means to convey by the emphasis on the hypothetical character of his arguments. This question cannot be dismissed on the ground that since not all the premises necessary for the conclusion of his arguments are categorical, the conclusions are simply hypothetical. Yet one cannot assume that the premises were meant to be true without qualification, for then there would be no reason why Averroes should have emphasized the hypothetical character of his arguments. Nor can one assume that the premises could not be asserted as true under any condition, for then it would be difficult to see why Averroes should have talke l about them at all. In the way he attempts to 'prove' the conclusion of his first argument, Averroes indicates that the answer lies somewhere between the two extremes. Limiting himself to one of the two premises—the proposition "the divine law commands X"—he quotes five Qurànic verses to prove that it is evidently true. Since the literal meaning of these verses does not constitute clear evidence for the truth of this proposition, such evidence must be "inferred" from the verses (this means, in effect, that the verses must be interpreted as containing the evidence); and subsequently (in subsection 3) Averroes attempts to prove that this inference (or interpretation) is legitimate. In order to assert the conclusion of the argument, however, he had to show that its first premise, too, is potentially convertible from a hypothetical into a categorical proposition: "*if* philosophy is X" can be converted into "philosophy *is* X," or that one could legitimately infer from "the action of philosophy" that it is (or that it can be interpreted to mean) "nothing more than" X. In this manner Averroes indicates that the hypothetical conclusions of his arguments are potentially convertible to categorical assertions, provided their premises could be converted from hypothetical into categorical propositions. In the first argument, he gives the reader an example of how this can be done through inference (or interpretation). By neglecting to do the same for most of his other premises, he indicates that he is primarily concerned here with stating the conclusions; that to state the right conclusions is more pertinent to his purpose than to supply all the steps that lead to them; or that one does not know in what direction to move and how many steps he needs to take until he has learned the conclusions. The main objection to these suggestions

is that they assume that the premises admit of an indefinite number of inferences (or interpretations). Indeed, this is the impression that the first eight subsections give: here, the divine law dominates and Averroes "infers" from it his conclusions without raising the question of interpretation. In the last eight subsections, on the other hand, the divine law and human wisdom confront one another, and only by interpretation (which is the philosophic counterpart of the legal term *inference* [7.11–12, 7.18ff.]) is one able to remove the apparent conflict and contradiction between them. Placed literally in the center of the seventeen subsections, subsection 9 avoids both terms but states the ground and limits of "speeches" in general, the ones from which inferences are made as well as the inferences, the ones that are interpreted as well as the interpretations.[13]

This is done through the use of a conspicuously incoherent, hypothetical legal argument that runs as follows. "If all this is determined, and we Muslims believe that this divine law of ours is true and that it is the [divine law] that has called attention and summoned to this happiness, which consists in the knowledge of God, Mighty and Majestic, and His creation, then this [that is, the attainment of this happiness] is determined for each Muslim through the method of assent that is ordained by his original make-up and nature" (6.14–18). The conclusion of this argument does not follow from the premises stated in it. It assumes a premise, as yet unstated, that is not found in the divine law but arrived at by human wisdom. That premise is stated immediately afterward as a categorical proposition. "That is because the natures of human beings are of unequal excellence with respect to assent: some of them come to assent through demonstration; just as the one [accomplished in the ways of] demonstration comes to assent through demonstration, others come to assent through dialectical arguments, since their nature admits of nothing more than this; and, again, just as the one [accomplished in the ways of] demonstration comes to assent through demonstrative arguments, others come to assent through rhetorical arguments" (6.18–21). This proposition is then made the basis of three additional conclusions or interpretations of legal notions or texts, which in turn help transform a proposition that was arrived at through human wisdom into a legal proposition and thus justify Averroes' initial conclusion. The first is the notion of the universality of the divine law. It is because the divine law has employed all three methods of assent that assent to it extends to "every human being," with the exception of those who are merely contentious and those who neglect to inquire into such matters and do not acknowl-

edge that the divine law contains all three kinds of arguments. The second is the tradition in which Muhammad is reported to have said that he was sent to "the red and the black." It is because his divine law embraces all three methods of assent that he characterized his mission as the universal mission. The third, finally, is the Qur'anic verse (xvi, 125), "Summon to the way of your Lord by wisdom and good preaching, and debate with them in the most effective manner." This, according to Averroes, is clear proof that the divine law employs demonstrative, rhetorical, and dialectical arguments (6.21–7.6).[14]

IV

It was assumed as a matter of course throughout the preceding arguments that Muslims believe that their divine law is true. To restate this assumption now can mean that the time has come to be more explicit about the fact that those arguments did not begin at the true beginning; or that Averroes has exhausted the possibilities of such legal arguments that assume belief in the truth of this divine law; or that the examination of the preceding arguments brings us face to face with the assumption on which they rest. What this restatement cannot mean is that the preceding arguments have in any way established this assumption. Further, the legal inquiry led to the apparent conclusion that the divine law, not merely has called attention and summoned to knowledge of God and of His creation, but has commanded that this knowledge be pursued as an obligation for all its adherents—that is, all Muslims. By recalling "all" that had been determined and yet making a new beginning on a lower level, Averroes invites his reader to reconsider the preceding arguments and see whether the first impression they gave stands up under closer scrutiny. The preceding arguments had assumed the truth of the Islamic divine law. We are now reminded of what that assumption implies: the distinction between manmade laws and divine laws, between true divine laws and false divine laws or laws that claim to be of divine origin although they are not, between our true divine law and other true divine laws, and between us as a collective body who believe that this divine law is true and others who do not hold this belief. The preceding arguments had shown that this divine law makes demands on its adherents that go beyond their practical concerns and practical activities and arts; it demands knowledge of God and the other beings and the acquisition of the arts required for performing this theoretical actitvity well. Thus the

adherents of this divine law cannot limit themselves to learning "juristic syllogisms," acquiring practical virtues, and practicing the practical art of jurisprudence; in addition, they must learn the "rational syllogism," acquire the theoretical virtue, and develop the highest theoretical art—the "art of arts" or wisdom—which is necessary for determining and carrying out the demands of the divine law regarding knowledge of God and the other beings. And since this theoretical demand is what distinguishes a true divine law from manmade laws, Averroes was able to assert throughout his arguments that this demand has "priority" over the practical demands or that it is *the* intention of the divine law. The demand to inquire into the tools (the logical sciences) for this theoretical activity, to develop them to perfection, to apply the best of them (the art of demonstration) while inquiring into the beings, and in all this to seek help wherever it is available, whether those who can give this help be members of the Islamic community or not, members of contemporary nations or of ancient and pagan nations—all this clearly follows, according to Averroes, from the demand to inquire into the beings. All this had been made "evident" by Averroes. But if this evidence is taken at its face value, it could mean that the divine law requires its adherents as a collective body to subordinate practical concerns to theoretical knowledge, engage in the activity of philosophy, and pursue knowledge of all the beings by means of the art of demonstration—that is, they must all pursue wisdom and become wise men. This conclusion may appear preposterous to common sense, but it is one of the obvious meanings of the "identity" of the divine law and human wisdom of which Averroes speaks in the *Exposition.*[15] Let us then reformulate the question and ask: Is human wisdom (which is knowledge of all the beings pursued through the art of demonstration) an unequivocal legal obligation on all and every adherent of this divine law? As we consider subsections 1 through 8 in the light of this question, we observe that Averroes had consistently avoided posing it, let alone answering it. For the most part, he had determined the legal obligation regarding knowledge of God and the other beings without specifying the ones upon whom this obligation rests; he had spoken of "our" obligation to do this without specifying whether this applies to the entire Muslim community or only a part of it, e.g., on Muslim philosophers only. In four crucial places—which deal with the obligation to learn the logical sciences (2.20), study the books of the Ancients that deal with these sciences (4.5), investigate the beings in order and manner learned from the art of demonstration (4.9–10), and study what the Ancients had said

and written on this kind of inquiry into the beings (5.7–8)—Averroes' conclusions cannot, without further specification, be considered "determinations" at all; for he merely says "perhaps" or "sometimes" these things must be done.[16]

What is Averroes' reason for this hesitation and why does he not take advantage of his premises to prove the identity of the divine law and human wisdom? The simplest way to answer this question is to reduce the status of the obligation to inquire into the beings to that of the other arts, for instance, the art of jurisprudence, especially since Averroes develops his arguments for the obligatory character of the art of demonstration largely on the analogy of the other arts in general and the art of jurisprudence in particular. The fact that the divine law demands knowledge of the legal statutes, and by implication of "juristic syllogism," does not mean that all the adherents of the divine law must become professional jurists. The obligation is not, then, an obligation proper, but an obligation by choice. It is not one of the essential duties required of the general public but, like the duty to defend the frontiers of the community, it is obligatory for some of the adherents of the divine law; and if a sufficient number of them carry it out, the rest may consider themselves excused from having to do the same. However, this answer is not altogether satisfactory. For knowledge of God and of the other beings is not something that can be delegated by the adherents of the divine law to a few members of the community; it is something that every adherent of a true divine law must possess, for its absence vitiates his belief that his divine law is true. One may suggest, on the other hand, that there is a minimal knowledge of God and His creation that is obligatory for every adherent of a true divine law, this being the amount required to establish his belief in the truth of his divine law, and that all knowledge beyond this is permitted, perhaps recommended, but not strictly speaking obligatory. This would then certainly be true of the highest knowledge of God and His creation, wisdom or the knowledge produced by the art of demonstration. This suggestion assumes, however, that the minimal amount of knowledge is sufficient to produce belief in the truth of a divine law among all those who adhere to it, or that the belief of all the adherents of a divine law has the same basis and is homogeneous. But suppose there is a man who could not be convinced of the truth of the divine law on the basis of this minimal knowledge of God and His creation, but required a higher or the highest kind of knowledge as the basis for his belief: Is he or is he not under an obligation to seek this knowledge, given that without

it he could not believe that the divine law is true? Yet how can the divine law as law, whose prescriptions aim at being general if not universal, prescribe different obligations on different men or classes of men on this fundamental matter, and how can the universality of the divine law be harmonized with the special needs of different men in respect of what is after all the highest intention of the divine law? This, then, is the difficulty: the highest intention of a true divine law is to give men the highest and most complete knowledge about God and His creation; yet, being a law, it must be general in its prescriptions, and the more universally it aims to spread among men, the more general its prescriptions must be. There is a tension between the highest intention of the divine law and what Averroes called its "primary" intention.

Legal determinations regarding questions of belief remain hypothetical so long as they do not take into account the requirements of human nature and the ways in which human beings are disposed to assent by nature.[17] Belief in the truth of a universal divine law does not free the believers from the requirements of their natures as human beings. Indeed, their belief itself is an expression of their natures as human beings and accords with their natures as human beings who come to assent through different kinds of arguments. For Averroes, belief in the divine law is not, as it was for Algazel on at least one level, a supernatural gift or a suprarational faculty. In its turn, the divine law does not intend to reduce all its followers to a homogeneous body of believers; it does not create or activate or address itself to a specifically religious faculty in them; and it does not disregard or supersede or transcend their original and natural makeup. On the contrary, the divine law takes cognizance of and addresses itself to human nature as it is and as it can be known through human wisdom; it takes into account the broad natural differences among human beings with respect to the methods of assent; and it calls on each human being to know God and his creation according to his natural capacity. The divine law perfects human nature. In this respect, its overall intention is identical with the overall intention of human wisdom, even though its primary intention may not be the same as those of human wisdom. Finally, the determination of the connection between the divine law and human wisdom must ultimately be based on understanding the nature of one of God's creations, man, which the divine law and human wisdom mean to perfect in their respective ways.

Almost all of the thirteen instances in which Averroes uses the term *nature* in the *Decisive Treatise* refer to human nature and

especially to the nature of man's cognitive faculties. The first instance occurs in subsection 7. The context is the obligation imposed on us by the divine law to investigate the beings in the order and the manner learned from the art of demonstration and the experience of earlier thinkers, such as the Greeks. Averroes offers the arts of geometry and astronomy as examples and argues that no one, not even if he were "by nature" the most intelligent of men, could disregard the accomplishments of earlier thinkers and hope to achieve the same results on his own, "except by means of a revelation or something that resembles revelation" (4.17–18). "A revelation, or something that resembles revelation," is presented here as a possible, though highly improbably, substitute for a scientific tradition, something that may enable someone who is by nature the most intelligent of men to dispense with teachers and a scientific tradition, but that is all. In the seventh instance Averroes states that "it is not in the natures of all men to accept demonstrations, not even dialectical arguments . . . " (19.13–14). The last instance occurs at the end of the work. Human wisdom and the divine law are said to be friends and milk-sisters. Averroes expresses his sorrow at seeing them hating and fighting each other, a circumstance that he attributes to the machinations of ignorant friends, both the ones who attach themselves to human wisdom and the ones who attach themselves to the divine law. For left to themselves, the milk-sisters are "companions by nature and friends by essence and instinct" (26.6).

7. *Ilahiyyat,* 1:21. See also, Ibn Sina, *al-Isharat wa al-Tanbihat,* ed. S. Dunya, vols 3&4, (Cairo, 1938), 482.
8. See M.E. Marmura, "Some Aspects of Avicenna's Theory of God's Knowledge of Particulars," *Journal of the American Oriental Society* 83 no. 3 (1962):299–312.
9. Ibid., 305.
10. *Ilahiyyat,* 2:265.
11. Ibid., 1:165.
12. Ibid., Chs. 1–4, particularly pp. 7–9 and 26.
13. Ibn Sina, *al-Shifa': al-Mantiq I; al-Madkhal* "Isagoge", ed. M. Khudayri, G.C. Anawati, and A.F. Ahwani (Cairo, 1953), 13.
14. Ibid. For a translation of the relevant passage, see M.E. Marmura, "Avicenna on the Division of the Sciences," *Journal for the History of Arabic Science* 4 (1980):244–45.
15. *Tabi'iyyat,* 21.
16. *Ilahiyyat,* 2:165–67. For a translation see my article, "Avicenna on Causal Priority," in *Islamic Philosophy and Mysticism,* ed. P. Morewedge (Delmar, N.Y., 1981), 75–77.
17. *Ilahiyyat,* 1:29–38.
18. Ibid., 36.
19. Ibid., 37–39.
20. Ibn Sina, *al-Shifa': al-Mantiq IV; al-Burhan* "Demonstration" ed. A.E. Affifi (Cairo, 1956), 140. This work will be abbreviated, *Burhan,* in the notes.
21. Ibn Sina, *al-Najat* (Cairo, 1938), 213–214; *Ilahiyyat,* 2:266–267.
22. Ibid., 274–65.
23. *Burhan,* 299, 319–310.
24. *Ilahiyyat,* 2:276–78.
25. *Burhan,* 298.
26. Ibid., 181, 298, 321.
27. Ibid., 96; *Ilahiyyat,* 1:180.
28. *Burhan,* 303.
29. *Ilahiyyat* 2:271–72.
30. *Burhan,* 322–21.
31. Ibid., 322–24.
32. Ibid., 79–80.
33. Ibid., 298.
34. *Ilahiyyat,* 1:166.
35. Ibid., 174.
36. See M.E. Marmura, "Ghazali's Attitude to the Secular Sciences and Logic," in *Essays on Islamic Philosophy and Science,* ed. G.F. Hourani (Albany, N.Y., 1975), 100–111; "Al-Ghazali's Second Causal Theory in the 17th Discussion of his *Tahafut,*" in *Islamic Philosophy and Mysticism,* ed. P. Morewedge (Delmar, N.Y., 1981), 65–83.
37. See above, n. 21.
38. Al-Baqillani, *al-Tamhid,* ed. R.J. McCarthy (Beirut, 1957), 43, para. 77.
39. *Ilahiyyat,* 1:8; *Burhan,* 96, 223, 4249–50.
40. al-Baqillani, *al-Tamhid,* 38, para. 67.
41. *Ilahiyyat,* 1:167.
42. Ibid., 167 ff.
43. Ibid., 169.

Chapter 13. Mushin Mahdi. Remarks on Averroes' Decisive Treatise

1. The argument for the arrangement of the trilogy can be found in "Averroes on Divine Science and Human Wisdom," in *Ancients and Moderns: Essays on the*

Tradition of Political Philosophy in Honor of Leo Strauss, ed. Joseph Cropsey (New York and London: Basic Books, 1964), 114–31.

2. Ibid., 130, n. 26.

3. All such references are to the pages and lines of the first edition of the Arabic text of the trilogy: *Philosophie und Theologie von Averroes,* ed. M. J. Müller ("Monumenta Saecularia," I. Classe, 3 [Munich, 1859]). Müller's text has been used for the *Exposition* (ibid., 27–127), but not for the *Decisive Treatise* (ibid., 1–26) or the so-called Appendix (ibid., 128–131), which are now available in a more critical edition: *Ibn Rushd (Averroes): Kitab Fasl al-Maqal,* ed. G. F. Hourani (Leiden: E. J. Brill, 1959). The pages and lines of Müller's edition are reproduced on the margin of Hourani's edition, as well as on the margin of the recent English translation of the two parts contained in that edition: *Averroes on the Harmony of Religion and Philosophy,* trans. G. F. Hourani E. J. W. Gibb Memorial Series, N. S., vol. 21 (London: Luzac & Co., 1961).

4. See below, n. 16.

5. See below, n. 15.

6. Among other things, the *Decisive Treatise* explains why Averroes did not deliver in the *Epistle* the "long speech" required for an adequate solution of the question of the relation between God's knowledge and the many generated things. This question is restated in the *Decisive Treatise* as the first of the three questions (the other two being the eternity of the world and the question of afterlife) that Averroes discusses in the first part; the discussion is again short, and we are told at the end that such questions belong to demonstrative books. The question will be stated again in the *Exposition.* Having learned something about the purpose and method of the *Exposition,* we no longer expect a long discussion there either. The question is too complicated to admit of a univocal solution.

7. See below, n. 9.

8. The *Exposition* consists of an introduction, five chapters, and a conclusion. The introduction relates the *Exposition* to the *Decisive Treatise* and speaks of the theme of the *Exposition* itself. The first chapter deals with God's existence, the opinions of various groups (literalists, Ash'arites, Sufis, and Mu'tazilites) about this question, and the methods used in the divine law itself when speaking about God's existence. The second chapter deals with God's unity. The third or central chapter deals with seven divine attributes: knowledge, life, will, power, speech, hearing, and sight. The fourth chapter (the central one of the three chapters that deal with a number of dogmas) deals with three negative divine attributes: corporeality, direction, and vision. The fifth chapter deals with five divine actions: generating the world, sending messengers, predetermination and free will, justice and injustice, and resurrection. Thus the *Exposition* deals with seventeen dogmas (no. 3 is subject of the first Speech; nos. 3, 13, 17 are the three questions raised by Algazel and discussed in the second Speech; nos. 1, 14, 17 are said in the second Speech to be the "roots" of the divine law). The *Exposition* ends with a concluding section on "interpretation." Averroes says that he had promised to discuss this subject, but this promise is not to be found earlier in the text of the *Exposition.*

9. The conclusions of the first two sections are identified in this manner as "legal determinations"; the conclusions of the next two sections are identified simply as "determinations." In the body of the third or central section, Averroes states: "It has become evident from this, then, that the inquiry into the books of the Ancients is obligatory according to the divine law, for what they meant to convey in their books and their intention is the intention that the divine law has urged us to pursue" (5.12–13). This section does not mark the beginning of "talking between the divine law and wisdom," which begins immediately after the opening statement of the *Decisive Treatise;* rather, it marks the place where Averroes lays the foundation for further determinations that are not, strictly speaking, based either on the divine law or on human wisdom, but on an interpretation of both that preserves their separate identity and yet shows the unity of their "intentions" or "what they mean to convey."

The fourth section, where the term *determination* occurs eight times, or twice as many times as in the other four sections taken together, is characterized by the effort to refute the possibility of a positive legal "determination" of an interpretation of theoretical questions occurring in the divine law (God's knowledge of particulars and the eternity of the world) on the basis of consensus. At the beginning of the fifth section, the term *determination* occurs for the last time in the *Decisive Treatise;* what has been "determined" is the negative determination arrived at in the fourth section. But the conclusions of the discussion of the central theme of this last section (the interpretation of bodily resurrection and the states of afterlife) are not said to be "determined" either legally or otherwise.

10. Much of what Averroes says and does in the *Decisive Treatise* is modelled after the thirteen chapters of Algazel's *Faysal al-Tafriqa bayn al-Islâm wa al-Zandaqa,* in *al-Jawahir al-Ghawali* (Cairo: Matba 'at al-Sa'ada, 1353/1934), 75–104. This includes many of the solutions presented by Averroes as well as the greater part of Averroes' theory of interpretation. Averroes refers to Algazel's book at the end of the *Exposition* (125.14). For an English translation, see Richard J. McCarthy, *Freedom and Fulfillment* (Boston: Twayne, 1980), 145–74. Algazel's exposition of the philosophers' political perspective is found in the central seventh chapter, where their view is characterized as "qualified unbelief" *(zandaqa muqayyada).*

11. The subsections are distributed among the sections as follows: 1, 2–3, 4–8, 9–15, 16–17.

12. The term *speeches (aqawil)* occurs in the ninth subsection for the first time in this part. It is repeated three times in this subsection, referring to dialectical, rhetorical, and demonstrative arguments, in this order. The first happens to be the seventeenth occurrence of a derivative of the root 'speech' *(qawl).* The thirty-fourth occurs in subsection 14 (11.2–3): the term *knowledge* as applied to God's and man's knowledge "is spoken of as purely equivocal." The fifty-first occurs in subsection 16 (16.1): Averroes tells the addressee "it has become clear to thee from our speech that there is an external meaning in the divine law which it is not permissible to interpret. . . ." The derivatives of 'speech' occur seven more times thereafter in this part, the fourth of which is "we say" in the seventeenth subsection (16.20). In the seventeen subsections taken together, there are fourteen references to God's speech (Qur'anic quotations), thirteen to Averroes' own speech, and four to the speech of the prophet Muhammad (traditions).

13. Subsection 9 (which is the first of the seven subsections that make up the fourth section) is divided into five statements. Stylistically the division is made through the demonstrative pronoun that *(dhalika),* which occurs at the beginning of the last four statements, indicating a parallelism between the division of this subsection and the division of the first part of the *Decisive Treatise* as a whole.

14. See the use of this verse by Algazel at the beginning of *al-Qistas al-Mustaqim,* ed. Victor Chelhot (Beirut: al-Matba'a al-Kathulikiyya, 1959); English translation in McCarthy, 287ff.

15. Averroes' reference to the higher demand of the true divine law does not necessarily assume that the lawgiver was a philosopher. Rather, it is part or an aspect of his proposition that the divine law is true and that the truth does not contradict the truth. That is, the true divine law and the true divine lawgiver say and do what a truly human law and a truly human lawgiver (the philosopher-ruler of Averroes' middle commentary on Plato's *Republic*) ought to say and do. The *Decisive Treatise* and the middle commentary on Plato's *Republic* need to be compared on such questions as the three classes of men and the three methods of producing assent. Both deal with the relation between the divine law and human wisdom, the one starting from the divine law, the other from human wisdom. See "Alfarabi et Averroès: remarques sur le commentaire d'Averroès sur la *République* de Platon," in *Multiple Averroes* (Paris: les Belles Lettres, 1978), 91–101.

16. In all four cases Averroes uses the adverbial particle *qad* with the imperfect, which normally means 'perhaps' or 'sometimes', in rare cases 'frequently', never

'always'. It is significant that in the first of the four cases cited above, Averroes identifies the person upon whom this possible obligation rests: "it is perhaps [or sometimes] obligatory on the believer *(mu'min)* in the divine law who obeys its command to inquire into the beings." Averroes' hesitation seems to indicate that the believer can carry out the command of the divine law without acq iring the tools required for inquiring into the beings. However, the underlying principle is the necessity of adapting the divine law to changing conditions: the development of the arts, the development of dialectical theology and of jurisprudence, the rise and development of philosophic inquiry, the character of political leadership, and so forth. That is, although Averroes appears in the *Decisive Treatise* to perform the more limited function of a judge or jurist who merely draws inferences from the divine law, in fact, he interprets the divine law in a manner that takes into account the new conditions and the intention of the divine lawgiver, which is more appropriate as a function of a legislator or a successor of the divine lawgiver.

17. The need to adapt the divine law to the requirements of human nature or the natures of the three classes of men (rhetorical, dialectical, and demonstrative) can be anchored in a principle that can be assumed to be embodied in the true divine law. This principle is justice—not absolutely (for then the divine law will have to be adapted to each individual, which is impossible), but to the extent that it can be applied in the divine law while preserving its character as law. This qualified justice implies narrowing down the core that is applicable to all, reserving a wide margin that can be adapted to different natures or men of higher capacities.

Chapter 14. Barry S. Kogan. Eternity and Origination: Averroes' Discourse on the Manner of the World's Existence

1. Averroes. *On the Harmony of Religion and Philosophy,* ed. George F. Hourani (London: Luzac and Co., 1969), 99–100 n. 99. I would like to thank Profs. Seymour Feldman, Zev Harvey, Alfred Ivry, Michael Marmura and Shlomo Pines for their many helpful suggestions regarding both the translation and interpretation of this work.

2. *Maqala fi an ma ya'taqiduhu al-Masha'una wa-ma ya'taqiduhu al-Mutakallimuna min'ahl al-millatina fi kayfiyat al-'alam mutaqarib fi al-ma'na.* Ibn Abi Usaybi'a, *'Uyun al-anba': 'Uyun al-Anba' fi Tabaqat al-Atibba,* ed. A. Müller (Königsberg, 1884). 2:77–78. Cf. M. Steinschneider, *Die hebraischen Übersetzungen des Mittelalters* (Berlin: 1893), 179, no. 3, and M. Fakhry, *Ibn Rushd: Faylasuf Qurtuba* (Beirut: n.d.), 15. While the manuscripts do not tell us precisely how Averroes entitled the discourse, it was evidently known in Hebrew by this summary of the incipit *see* Abravanel; *see below* n.5.

3. *Maqala fi al-Jam' bain i'tilqad al-Mashsha'ina wal-Mutakallimina min Ulama' al-Islam [fi] Kaifiyat Wujud al-'Alam fi al-qudum [Qidam] wal-Huduth.* Escurial Library, Ms. 881 (Casiri no. 879, fol. 82) as reproduced in E. Renan, *Averroes et l'averroïsme* (Paris: 1861), 464, 11. 6–8. Cf. Steinschneider.

4. *Beiträge zur Geschichte der Philosophie des Mittelalters: Texte und Untersuchungen,* ed. Clemens Baeumker, et al. (Münster: 1900) Bd. 3, Heft 4, 66–70.

5. Don Isaac Abravenel, *Sefer Mif'alot 'Elohim* (Venice: 1592), 2. c. 1, 11b, reprinted in *Don Isaac Abravanel: Opera Minora,* ed. Louis Jacobs (Westmead, England: Gregg International Publishers, Ltd., 1972), *Ibid.*

6. We have translated the Arabic term, *maqala* (Hebrew, *Ma'amar*), as 'discourse' or something spoken, rather than as 'treatise' or 'essay,' which usually signifies something written, in order to emphasize the oral character which Averroes ascribes to his observations. Near the conclusion of the discourse, he notes that the true concept of temporal origination should not really be discussed and especially not in